

## Message Text

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C O N F I D E N T I A L STATE 199154

CINCPAC AND USCINCEUR FOR POLADS

FOLLOWING REPEAT USUN 3154 ACTION SECSTATE  
09 AUG 76

QUOTE C O N F I D E N T I A L USUN 3154

FROM: LOS DEL

E.O. 11652: GDS  
TAGS: PLOS  
SUBJECT: CLASSIFIED SUMMARY LOS CONFERENCE AUGUST 2-6, 1976

COMMITTEE I

1. THE FIRST WEEK OF THIS SESSION REVEALED THAT THE DIS-  
SATISFIED MINORITY IN GROUP OF 77 (G-77) WHICH EMERGED IN  
LAST WEEK OF SPRING SESSION IN NEW YORK WOULD BE SUFFI-  
CIENTLY TENACIOUS AS TO PRECIPITATE SUBSTANTIAL SHIFT IN  
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G-77 TO MORE EXTREME POSITION. POWER OF MODERATE LDCS,  
I.E., THOSE WITH WHOM WE NEGOTIATED IN SECRET BRAZIL  
GROUP, HAS BEEN SERIOUSLY DILUTED, AND THOSE COUNTRIES  
ARE KEEPING LOW PROFILE. MEXICO, INDIA, GHANA AND

ARAB GROUP, LED BY TUNISIA AND ALGERIA, ARE DOMINATING  
"SILENT MAJORITY."

2. THIS PHENOMENON HAS BEEN MANIFESTED IN PROCEDURAL  
DEBATE AND DECISIONS WHICH WERE FINALLY TAKEN ON FRIDAY,  
AUGUST 6. FIRST, G-77 INSISTED ON SINGLE WORKING GROUP  
IN COMMITTEE WITH MANDATE TO NEGOTIATE ALL ISSUES IN CI.  
PURPOSE OF THIS DEMAND WAS TO PRECLUDE PAUL ENGO  
(CAMEROONS CHAIRMAN OF CI) FROM HAVING IMPORTANT ROLE  
IN FURTHER REVISION OF SNT, SINCE HE WAS RESPONSIBLE'  
FOR WHAT VOCAL EXTREMISTS CONSIDER TO BE SELL-OUT TO  
INDUSTRIALIZED COUNTRIES. AS COMPROMISE WITH US, THEY  
ACCEPTED PRINCIPLE OF TWO CO-CHAIRMEN FOR THIS WORKING  
GROUP. WE KNOW THAT SINGLE WORKING GROUP UNDER ONE  
CHAIRMAN WAS LIKELY TO LEAD TO TOTAL POWER IN HANDS OF  
CHAIRMAN SELECTED FROM LEFT-SIDE OF SPECTRUM IN G-77  
AND CO-CHAIRMEN IDEA WAS ATTEMPT TO ENSURE BALANCE AND  
POSSIBLE DIVISION OF RESPONSIBILITY. SECOND, G-77  
INSISTED THAT ONE-CO-CHAIRMAN IN FACT BE ACTIVE AND  
INFLUENTIAL LEADER IN CI FROM LEFT-SIDE OF SPECTRUM OF  
G-77, TO WIT, DR. JAGOTA OF INDIA. THIRD, MANY OF  
G-77 "SILENT MAJORITY" WOULD HAVE BEEN PREPARED TO GO  
ALONG WITH MODERATE LDC CO-CHAIRMAN, BUT ON INSISTANCE  
OF VOCAL MINORITY ALLOWED THEMSELVES TO SUPPORT MORE  
EXTREME CANDIDATE. THIS LATTER FACT IS CLEAREST EVIDENCE  
THAT G-77 AT THIS TIME AND IN THIS CLIMATE ARE WILLING  
TO BE LED BY EXTREME FACTION. MOREOVER, MODERATE  
LDCS FROM SECRET BRAZIL GROUP WERE RELUCTANT TO EXPOSE  
THEMSELVES IN DIRECT FIGHT OVER CO-CHAIRMEN BECAUSE  
THEY PRECEIVED LEADERSHIP OF EXTREMISTS INEVITABLE FOR  
TIME BEING.

3. WE KNOW FROM ALL OUR CONSULTATIONS IN INTERSESSIONAL  
PERIOD AND INFORMAL CONTACTS HERE IN NEW YORK THIS WEEK  
THAT REAL PROBLEMS FOR G-77 IN REVISED SNT ARE POWERS  
OF ASSEMBLY AND ITS RELATIONSHIP TO THE COUNCIL, THE  
FUNCTIONING OF THE ENTERPRISIE AND ARTICLE 22 (ACCESS  
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SYSTEM) AND THE TRIBUNAL, BUT WE ARE NOT CERTAIN G-77  
AS A WHOLE RECOGNIZES THIS. CANADA IS ALSO ACTIVELY  
CAMPAIGNING TO REOPEN THE PRODUCTION LIMITATION IN  
ARTICLE 9 AND MAY GET SUPPORT FROM SOME LDCS. AT THIS  
TIME, G-77 ADOPTING VAGUE POSITIONS, EXPRESSING GENERAL  
SENSE OF DISSATISFACTION WITHOUT PUBLICLY IDENTIFYING  
WHAT SPECIFIC PROBLEMS THAY HAVE WITH REVISED SNT.  
HOWEVER, US DELEGATION CONFIDENT THAT EVENTUALLY THESE  
THREE ISSUES WILL BE THOSE ON WHICH DEBATE ANS SERIOUS  
NEGOTIATION OCCUR.

4. US DELEGATION TENTATIVELY THINKING OF PURSUING  
STRATEGY OF ALLOWING COMMITTEE TO POLARIZE IN RESPONSE

TO EXTREMIST LDC STATEMENTS AND US AND OTHER INDUSTRIALIZED COUNTRIES' COUNTERSTATEMENTS IN HOPES THAT AFTER SEVERAL WEEKS OF FRUITLESS DEBATE AND WRANGLING OVER PROCEDURAL MATTERS, MORE RESPONSIBLE LEADERSHIP WILL RISE TO DOMINATE G-77 AND SERIOUS AND MORE CONSTRUCTIVE NEGOTIATION WILL OCCUR. WE, HOWEVER, HAVE UNDER CONTINUING REVIEW TWO OTHER STRATEGIES WHICH COULD BE EMPLOYED. FIRST WOULD BE TO REMAIN SILENT AND PATIENT IN COMMITTEE AS G-77 REACTION IS EXPRESSED, AS IN CASE OF A PARENT OBSERVING A TEMPER TANTRUM CAREFULLY AVOIDING THROUGH INSERTING ITS FORCEFUL PERSONALITY A FURTHER EXAGGERATION OF THE SITUATION. IT IS POSSIBLE THAT THIS APPROACH MIGHT DEFUSE IMMINENT POLARIZATION AND PERMIT USEFUL NEGOTIATIONS TO COMMENCE SOON. SECOND POSSIBLE ALTERNATIVE STRATEGY WOULD BE TO HELP IDENTIFY AND REFINE ISSUE ON WHICH GREATEST DISSATISFACTION EXIST, FUNCTIONING OF ENTERPRISE, AND MAKE CONSTRUCTIVE PROPOSALS TO DEAL EFFECTIVELY WITH FRUSTRATION IN G-77. THIS TOO COULD ISOLATE EXTREMIST AND BRING MODERATES BACK INTO CONTROL. IN UTILIZING THIS LATTER STRATEGY, WE WOULD HAVE TO HOLD BACK TEMPORARILY SOME OF OUR IMPORTANT DEMANDS, SUCH AS OUR POSITION ON COUNCIL AND ANY IMPROVEMENTS TO ACCESS SYSTEM, RELYING ON TOTAL PACKAGE CONCEPT TO PROTECT THOSE INTERESTS WE WOULD NOT BE ACTIVELY PROSECUTING IN THE NEXT SEVERAL WEEKS. UNDER THE FIRST TWO STRATEGIES, WE WOULD INTRODUCE OUR MAJOR OBJECTIVES, COUNCIL VOTING AND IMPORTANCE OF ACCESS EARLIER RATHER THAN LATER AND AVOID CONSTRUCTIVE CONFIDENTIAL

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PROPOSALS ON THE ENTERPRISE UNTIL THE LATTER PART OF THIS SESSION. SITUATION IN CI IS SO FLUID AT THIS POINT IN TIME AND CHANCE OF MISCALCULATING AND OVER-ESTIMATING EXTREMISM IN G-77 SO SERIOUS THAT WE WILL AVOID ANY PRECIPITOUS STRATEGIC DECISION AND RETAIN FLEXIBILITY IN COMING DAYS TO DESIGN STRATEGY TAILORED TO RAPIDLY CHANGING EVENTS IN COMMITTEE. ACCORDINGLY, WE HAVE NO FIXED VIEWS ON TIMING OF INTRODUCING US PROPOSAL ON VOTING IN COUNCIL OR OF POSSIBLE US MODES TO ACCOMMODATE LDC CONCERNS ON ENTERPRISE.

5. IN SUMMARY, PREDICTABLE SITUATION IN CI FOR FIRST WEEKS OF THIS SESSION BEARS WITNESS TO CYCLICAL NATURE OF NEGOTIATING PROGRESS IN CI. WHILE US DELEGATION AT 1974 CARACAS SESSION OCCUPIED CONSIDERABLE TIME OF CI DEMONSTRATING TO LDCS OUR DISENCHANTMENT WITH STATUS OF NEGOTIATIONS, 1975 GENEVA SESSION WAS DEVOTED TO CONSIDERABLE SUBSTANTIVE PROGRESS WHICH WAS UNFORTUNATELY IGNORED IN ENGO'S PREPARATION OF SNT. EXTENSIVE INTER-SESSIONAL CI WORK PRIOR TO SPRING SESSION IN NEW YORK PERMITTED BOTH INDUSTRIALIZED COUNTRIES AND SOME LDCS TO VENT DISSATISFACTION WITH GENEVA SNT AND WAS FOLLOWED

BY CONSTRUCTIVE NEGOTIATION AT THAT SESSION, AT LEAST FROM US PERSPECTIVE. CLEARLY, G-77, FOR WHOM REVISED SNT REPRESENTS SIGNIFICANT CONCESSIONS, IS NOW MANEUVERING ON PROCEDURAL ISSUES TO ENSURE OPPORTUNITY TO BRING BEFORE CI THEIR DISCONTENT. US DELEGATION IS HOPEFUL THAT TIME REQUIRED FOR G-77 TO COMPLETE THIS REACTIVE PHASE WILL BE SHORT ENOUGH TO ENABLE SOME PROGRESS TO BE MADE LATER IN SESSION. SIZE OF G-77 CONSENSUS POSITIONS WILL INEVITABLY BE ON MOST CRITICAL ISSUE IN C-1.

6. COMMITTEE TWO COMPLETED ITS PROCEDURAL WORK IN TWO DAYS BY ESTABLISHING NEGOTIATING GROUPS (NG) CHAIRED BY AQUILAR TO DEAL WITH "PRIORITY" ISSUES (WITHOUT PREJUDICE TO OTHER ISSUES AT A LATER STAGE) INCLUDING: 1) THE LEGAL STATUS OF THE ECONOMIC ZONE; 2) RIGHTS OF ACCESS FOR LANDLOCKED STATES TO THE SEA; AND 3) THE CONTINENTAL SHELF (INCLUDING REVENUE SHARING). THE FIRST ROUND OF SUBSTANTIVE WORK WAS CARRIED OUT WITH CONFIDENTIAL

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EACH NEGOTIATING GROUP MEETING ONCE.

7. THE MAJOR ISSUE FOR THE U.S. REMAINS THE QUESTION OF THE HIGH SEAS STATUS OF THE ECONOMIC ZONE. US DEL MADE TWO STRONG INTERVENTIONS, THE FIRST TO PROTECT US POSITION FROM A PROCEDURAL MOVE REGARDING THE CHARACTERIZATION OF THE ISSUE IN THE CHARGE TO THE NEGOTIATING GROUP WHICH WOULD HAVE PREJUDICED THE US. THIS MOVE, INITIATED BY MEXICO AND INITIALLY SUPPORTED BY CHAIRMAN AQUILAR, WAS AVERTED. THE SECOND INTERVENTION, DURING THE FIRST SUBSTANTIVE SESSION, WAS DESIGNED TO REMOVE ANY DOUBTS CONCERNING THE IMPORTANCE OF THIS ISSUE TO US. SUCH DOUBTS HAVE MANIFESTED THEMSELVES AMONG THE GROUP OF 77.

8. THE US DEL IS NOT PLEASED THAT THE DECISION WAS TAKEN TO DEAL WITH THE QUESTION OF THE RIGHTS OF ACCESS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO THE LIVING RESOURCES OF REGIONAL ECONOMIC ZONES ALONG WITH THE GENERAL QUESTION OF THE HIGH SEAS STATUS OF THOSE ZONES. THE LL/GDS GROUP HAS BEEN IN SUPPORT OF THE US POSITION, BUT IT IS ALREADY APPARENT, PARTICULARLY WITH REGARD TO THE LATINS, THAT A DEAL IS BEING OFFERED TO NULLIFY THAT SUPPORT. I.E., ACCESS TO RESOURCES IN EXCHANGE FOR SUPPORT OF COASTAL STATES' POSITION ON THE STATUS OF ECONOMIC ZONE. WHILE US HAS NOT ACTIVELY SOUGHT LL/GDS SUPPORT, ITS LOSS WOULD DAMAGE US POSITION SUBSTANTIALLY, AND IT MIGHT BE NECESSARY TO CONSIDER HOW US COULD GIVE HELP TO THAT GROUP ON ISSUES OF IMPORTANCE TO IT (E.G., ACCESS TO LIVING RESOURCES; REVENUE SHARING ON THE SHELF).

9. THE DISCUSSIONS ON THIS ISSUE THUS FAR HAVE BEEN SOLELY ON THE PHILOSOPHICAL LEVEL. THE GROUP IS WIDELY SPLIT ON THE ISSUE. MAJOR OPPOSITION TO DATE HAS COME FROM MEXICO, PERU, AND TANZANIA. WHILE THE MARITIME STATES FAVOR OUR POSITION, THEY HAVE THUS FAR BEEN SILENT. SUPPORT HAS COME FROM THE LL/GDS GROUP. THE RESOLUTION OF THIS ISSUE IN OUR INTEREST INVOLVES CHANGING THE RSNT IN A SUBSTANTIAL WAY AND THUS WILL BE A DIFFICULT ENDEAVOR. IT IS EXPECTED THAT THE DISCUSSIONS WILL SOON  
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FOCUS ON SPECIFIC CHANGES AND US DEL IS PREPARED TO TABLE AMENDMENTS IN COOPERATION WITH OTHER MARITIME STATES.

10. US DEL HAS NOT PARTICIPATED IN DISCUSSIONS IN NGII (ACCESS) ALTHOUGH IT IS A MEMBER. IN NG III (CONTINENTAL SHELF) US DEL WILL MAINTAIN A LOW PROFILE UNTIL GENERAL DEBATE IS CONCLUDED, WHILE CONTINUING TO PURSUE PRIVATELY A PACKAGE CONSISTING OF A REASONABLE AND PRECISE DEFINITION OF THE SHELF COUPLED WITH A REVENUE SHARING FORMULA FOR THE AREA BEYOND 200 MILES. THE LATTER IS ESSENTIAL IF THE LL/GDS ARE TO ACCEPT ANY MARGIN BEYOND 200 MILES.

COMMITTEE III

11. ON SCIENTIFIC RESEARCH. CHAIRMAN YANKOV CORRECTLY IDENTIFIED THE ISSUE, THE REGIME FOR THE ECONOMIC ZONE AND CONTINENTAL SHELF, AND PROVIDED THE ONLY PROCEDURE WITH A CHANGE OF SUCCESS -- PUBLIC DEBATE AND LACK OF COMPROMISE FOLLOWED BY PRIVATE NEGOTIATIONS. THE CHAIRMAN HAS TOLD US HE WILL START SMALL GROUP PRIVATE NEGOTIATIONS NEXT WEEK.

12. UNFORTUNATELY, THE USSR IS WILLING TO ACCEPT THE PRESENT TEXT AND MANY OF OUR PAST ALLIES ARE NOW LESS CONCERNED WITH THE ISSUE. CONSEQUENTLY, WE HAVE STAKED OUT AN EXTREMELY TOUGH POSITION AND DO NOT INTEND TO PUT FORWARD ANY OF OUR OWN PROPOSALS FOR COMPROMISE. WE HAVE ENCOURAGED A FEW STATES TO TRY TO PLAY A MODERATING ROLE (NORWAY, AUSTRALIA AND MEXICO) IN THE HOPE THAT THEY MAY PUT FORWARD OUR PROPOSALS FOR US IN THE SMALL GROUP NEGOTIATIONS. THE ISSUE COULD MOVE QUITE RAPIDLY AND REACH A CLIMAX WITHIN THE NEXT TWO WEEKS.

13. ON MARINE POLLUTION, WE INTEND TO FIGHT HARD ON THE QUESTION OF COASTAL STATE STANDARD-SETTING IN THE TERRITORIAL SEA FOR VESSEL POLLUTION CONTROL TO TRY TO AVOID ANY RESTRICTIONS. THE MARITIME STATES, PARTICULARLY THE U.K., WILL STRONGLY OPPOSE US AS WE ATTEMPT TO ISOLATE THEM AND CONVINCE AT LEAST SOME OF THEM TO CONCEDE ON THE ISSUE. THE USSR WANTS NO OTHER ISSUES RAISED ON THE

POLLUTION TEXT. WE MUST RAISE OTHERS BUT MAY DO SO IN  
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THE PRIVATE NORWEGIAN CONSULTING GROUP. YANKOV HAS  
ENCOURAGED THIS GROUP TO MEET AGAIN TO CONSIDER OTHER  
ISSUES AND PERHAPS NARROW THE NUMBER OF ISSUES WHICH  
REQUIRE DISCUSSION AT THE COMMITTEE LEVEL.

COMPULSORY DISPUTE SETTLEMENT

14. DURING FIRST WEEK INFORMAL PLENARY PROCEEDED TO  
DETAILED DEBATE WITHOUT DELAY. MAJOR DEVELOPMENTS WERE:  
1) USSR PROPOSED AMENDMENT TO ARTICLE 3 THAT WOULD ENABLE  
A PARTY TO AN INTERNATIONAL AGREEMENT THAT PROVIDES FOR  
NON-BINDING SETTLEMENT TO ESCAPE OBLIGATION TO APPLY LOS  
BINDING PROCEDURES, 2) SUPPORT FOR CLARIFYING WHEN ONE  
PARTY MAY GO TO COMPULSORY SETTLEMENT AND DEVELOPING  
COASTAL STATE INSISTENCE ON STRENGTHENING EXCLUSIONS  
RESPECTING ECONOMIC ZONE, 3) EMERGENCE OF SUPPORT BY SOME  
MEMBERS OF G-77 FOR ONE TRIBUNAL WITH TWO CHAMBERS FOR,  
RESPECTIVELY, DEEP SEABED AND OTHER ISSUES, AND 4) WIDE-  
SPREAD DIFFICULTY WITH INTERRELATIONSHIPS AMONG VARIOUS  
SETTLEMENT PROCEDURES AND INCLINATION BY MANY TO SIMPLIFY  
THE SYSTEM. CANADIANS ARE INCLINED TO BROADEN EXCEPTION  
OF POLLUTION ISSUES FROM CDS AND FRENCH WILL MAKE STRONG  
EFFORT TO WEAKEN OR DISPENSE WITH LOS TRIBUNAL IN FAVOR  
OF ARBITRATION.  
BENETT

UNQUOTE ROBINSON

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